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SUBCOMMITTEE ON CONSTITUTIONAL AMENDMENTS

United States Senate
WASHINGTON, D.C. 20510

April 17, 1972

Mr. Harold Weisberg
R.R. 8
Frederick, Md. 21701

Dear Mr. Weisberg:

Thank you for your letter concerning the nomination of Richard Kleindienst as Attorney General of the United States.

When this nomination was originally reported out of the Judiciary Committee, I filed separate and individual views expressing my deep concern over Mr. Kleindienst's positions on important questions of individual liberties and constitutional rights. I said at the time, however, that appointment of a cabinet official was different from appointment of a Federal judge -- who sits for life. Cabinet officials serve at the pleasure of the President and serve to carry out the policies of the President. In the absence of demonstrable incompetence or impropriety on the part of a cabinet nominee, the President is entitled to have whoever he chooses as part of his official family.

The present ITT affair has indeed raised serious questions of impropriety concerning this nomination. However, all the facts are not yet in, and it would be inappropriate at this time to reach a judgement in this matter.

Again, thank you for taking the time to write and give me the benefit of your views on this important issue.

Sincerely,

Birch Bayh
United States Senator